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VIA ECF

July 26, 2018

The Hon. Sanket J. Bulsara
U.S. District Court Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Wexler v. Dorsey & Whitney LLP, et ano., 1:18-cv-3066 (RRM) (SJB)

Dear Judge Bulsara:

We are counsel for defendants Artin Betpera (“Betpera”) and Dorsey & Whitney LLP (“Dorsey”) (collectively, “Defendants”) in the above-referenced litigation. On July 13, 2018, Defendants moved for a protective order (Dkt. #16) staying all discovery—including the parties’ obligation to confer under Fed. R. Civ. P. 26(f), exchange initial disclosures under Fed. R. Civ. P. 26(a), and attend the initial conference currently scheduled for August 24, 2018—both during the pendency of the motion for a protective order and pending the resolution of Defendants’ upcoming motion to dismiss the Amended Complaint or in the alternative for summary judgment. *See* Defendants’ July 12, 2018 pre-motion conference letter (Dkt. #14). Plaintiff filed a response to Defendants’ motion to stay discovery on July 16, 2018. The motion is therefore fully submitted. In light of upcoming deadlines in connection with the Court’s June 26, 2018 Scheduling Order, we write to seek clarification as to whether Rule 26(f) meeting and Rule 26(a) disclosure obligations are stayed pending resolution of Defendants’ motion for a protective order staying discovery.

Pursuant to the Court’s Scheduling Order, the parties face the following four upcoming discovery deadlines (“Upcoming Deadlines”). First, the parties must meet and confer under Rule 26(f) on or before August 3, 2018. Second, the parties must exchange initial disclosures on or before August 17, 2018. Third, the parties must submit a proposed discovery plan and/or Discovery Plan Worksheet to the Court on or before August 22, 2018. Finally, the parties must attend the Initial Conference on August 24, 2018.

Defendants’ motion for a protective order sought a stay of all four Upcoming Deadlines until Defendants’ upcoming motion to dismiss or in the alternative for summary judgment is decided. Defendants’ motion for a protective order also sought a stay of the Upcoming Deadlines while the motion for a protective order is being decided. Inasmuch as we have not yet heard from Your Honor with regard to Defendants’ request to stay the Upcoming Deadlines until the motion for a protective order is decided, Defendants want to make sure they do not violate any order or discovery obligation by not participating in the discovery process in connection with the Upcoming



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Deadlines, including conducting a Rule 26(f) meet and confer next week, as that is one area of relief Defendants sought in their motion. Defendants therefore hope to obtain confirmation from the Court of an interim stay of the Upcoming Deadlines while Your Honor considers Defendants' motion for a protective order.

Respectfully,

s/ Jonathan M. Herman

cc: Shimshon Wexler, Esq.